IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No 78 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE D.K.TRIVEDI
and
Hon'ble MR.JUSTICE H.H.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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GOPAL KANJI RATHOD

Versus

STATE OF GUJARAT

Appearance:

1. Criminal Appeal No. 78 of 1997

MR KR RAVAL for appellant No. 1

Mr.K.P.Raval,learned Addl.P.P. for Respondent No. 1

CORAM : MR.JUSTICE D.K.TRIVEDI
and
MR.JUSTICE H.H.MEHTA

Date of decision: 25/06/2002

ORAL JUDGEMENT

(Per : MR.JUSTICE D.K.TRIVEDI)

1. Present Appeal is filed by the original accused No.1, namely, Shri Gopal Kanji Rathod challenging the judgment and order of conviction recorded by the learned Addl.Sessions Judge,Kutch, Bhuj dated 11.12.96 against him as well as against the co-accused - original accused No.2,namely, Nathalal Rupsi Shah, who has also filed Appeal being Criminal Appeal No.56/97. As per the order passed by the learned trial Judge, the original accused No.1 was convicted for the offences punishable under Sections 21, 23 and 29 of the Narcotic Drugs & Psychotropic Substances Act, 1985 as well as under Section 135 of the Customs Act and imposed various sentences as well as fine.

2. Mr.K.P.Raval,learned Addl.P.P. had tendered a document sent by the Deputy Superintendent, Ahmedabad Central Jail furnishing details about the original accused No.1 as regards the order of conviction recorded by the learned trial Judge and details about the actual sentence undergone by the accused. As found from the details furnished by the jail authority, the accused No.1 had died during treatment at Civil Hospital, Ahmedabad on 26.11.97. The particulars furnished are also confirmed by Mr.K.R.Raval,the learned advocate, who has filed the Appeal before this court challenging the order of conviction and sentence recorded by the learned trial Judge. He also states that the relative of the appellant had also telephonically informed him that the accused Shri Gopal Kanji Rathod had expired while taking treatment in the Civil Hospital on 26.11.97. In view of the fact that the appellant has expired,the appeal filed by him is abated. The Appeal is accordingly disposed of as abated.

The particulars furnished by the Deputy Superintendent, Ahmedabad Central Jail is taken on record.

(.D.K.Trivedi,J)

(H.H. Mehta,J)

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